

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

GARY C. and GALE B. WARREN

and

TOLL BROS., INC.,

Plaintiffs,

v.

NEW CASTLE COUNTY,

Defendant.

**[PROPOSED] AMENDED
STIPULATED BRIEF SCHEDULING ORDER
ON NEW CASTLE COUNTY'S MOTION TO DISMISS
THE AMENDED COMPLAINT**

WHEREAS, New Castle County ("County") filed an opening brief in support of its motion to dismiss plaintiffs' amended complaint on January 31, 2008; and

WHEREAS, a teleconference was held with the Honorable Leonard P. Stark on February 6, 2008 to discuss, *inter alia*, a briefing schedule for resolution of the County's motion to dismiss; and

WHEREAS, the Honorable Leonard P. Stark requested that the parties submit a stipulated order establishing a briefing schedule on the County's motion to dismiss in accordance with the rulings made during the February 6, 2008 teleconference.

WHEREAS, Plaintiffs' counsel has requested a ten-day extension of the original February 29, 2007 deadline for Plaintiffs' answering brief in opposition to the County's motion to dismiss until March 10, 2008 for reasons having to do with illness and scheduling conflicts.

C.A. No. 07-725 SLR-LPS

NOW THEREFORE, it is stipulated by the parties, subject to approval by the Court, that briefing on the County's pending motion to dismiss the amended complaint shall proceed as follows:

1. Plaintiffs shall file their answering brief in opposition to the County's motion to dismiss on or before March 10, 2008.
2. The County shall file its reply brief on or before March 25, 2008.
3. As Ordered by the Honorable Leonard P. Stark at the teleconference, plaintiffs shall not be permitted to file a sur-reply brief without leave of court. Plaintiffs reserve the right to seek leave of court to file a sur-reply brief.

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Dated: February 25, 2008

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Dated: February 25, 2008

SO ORDERED this _____ day of _____, 2008.

Judge